THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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WRIT PETITION No.20264 of 1997

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DATED : 24.01.2007

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Between:

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Kona Raghavendra Rao,

S/o Venkateswara Rao and others.

…. **PETITIONERS**

And:

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The Mandal Revenue Officer, Penamaluru,

Krishna District and others.

….**RESPONDENTS**

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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WRIT PETITION No.20264 of 1997

ORDER:

This writ petition is filed seeking a declaration that the action of the respondents in seeking to dispossess the petitioners from their huts situated on Gosala Kalvakatta, (Bunder canal Bank) Gosala Village, Penamaluru Mandal, Krishna District, without following due process of law is arbitrary and illegal.

The case of the petitioners is that they are the landless poor persons and they have raised small huts in an extent of 0.02 cents each on Bunder canal bank, which is called as Gosala Kalvakatta and have been residing there with their families for the past several years. They also alleged to have made representations to the authorities concerned for allotment of house site pattas in their favour, and they are pending. Meanwhile, the respondent authorities tried to dispossess them from the said land without serving notice on them and without following due process of law. Hence, this writ petition.

The first respondent and respondents 2 and 3 filed separate counters. It is stated in the counters that the petitioners have occupied the land reserved for communal purpose on the left bank of Bandar canal unauthorisedly, and they were granted time till 18.08.1997 to vacate the said land. When they failed to do so, they were evicted on 19.08.1997, whereas this Court granted stay of dispossession on 27.08.1997.

So from the averments in the counters it is clear that the interim order granted by this Court on 19.08.1997 has not been worked out, and the petitioners were evicted from the said land.

Further, admittedly, no patta is granted in favour of the petitioners in respect of the said land. Therefore, it is clear that they have unauthorisedly occupied the said land, and hence cannot seek any direction not to dispossess them. I see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. However, taking into consideration the fact that the petitioners are landless poor persons, the respondents may consider the case of the petitioners and provide house site pattas to them, if any alternative land is available. There shall be no order as to costs.

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24.01.2007

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